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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,800	02/20/2004	Hiroyuki Ochiai	249110US3	5173

22850 7590 07/28/2006

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EXAMINER

RODRIGUEZ, RUTH C

ART UNIT PAPER NUMBER

3677

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/781,800	OCHIAI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ruth C. Rodriguez	3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1-3 and 5-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Maughan (US 6,164,861).

A cover comprises a cover body, a tubular grommet (24) and a projection (54). The cover body is hard and is formed as a plate shape (commonly used to support ball joints). The body comprises opposite surfaces and a socket (30) protruding partially from one of the opposite surfaces. The socket has an inner peripheral surface (32). The grommet is held in the socket (Figs. 1 and 2). The grommet is deformable elastically and is formed of a compressible material (C. 5, L. 14-20). The grommet comprises a fitting hole (38) and an outer peripheral surface (36). The fitting hole has an inner peripheral surface (Figs. 1-7). The projection projects from an installation member (connected through the threaded end) to which the cover is installed (Figs. 1 and 2). The projection

comprises a head (52), a neck (56) having a diameter smaller than that of the head and an outer peripheral surface (Figs. 1-2). The projection is fitted into the fitting hole of the grommet whereby holding the cover body detachably to the installation member (Figs. 1 and 2). The grommet further comprises a plurality of convexities (58,58') disposed on at least one of the outer peripheral surface and the inner peripheral surface of the fitting hole protruding towards tips thereof in radial directions of the grommet and contacting with at least one of the inner peripheral surface of the socket and the outer peripheral surface of the projection (Figs. 1, 2, 5 and 7). The convexities are formed as a substantially triangular cross-sectional shaped whose thickness reduces from large to small from the bases to the tips thereof (Figs. 5 and 7). The convexities are compressed in the radial direction of the grommet and elastically contact the socket or the projection when the convexities are pressed to an inner peripheral surface of the socket and an outer peripheral surface of the projection (Abstract and Figs. 1-7).

The grommet is held detachably in the socket and the convexities are disposed on the outer peripheral surface of the grommet (one can brake the assembly to detach the grommet).

The grommet is held in the socket in such a manner that the convexities contact with the inner peripheral surface of the socket elastically (Abstract and Figs. 1 and 2).

The fitting hole is formed as a tapered shaped whose inner peripheral surface has a diameter enlarging from small to large in the direction approaching the installation member (Figs. 1-7).

The projection has a superficial configuration comprising the head (Figs. 8 and 10). The neck continues from the head smoothly and the bottom has a larger diameter than that of the neck (installation member will create the larger diameter). The inner peripheral surface of the fitting hole of the grommet agrees with the superficial configuration of the projection and contacts with the projection entirely (Figs. 1 and 2).

The projection penetrates through the fitting hole (Figs. 1 and 2). The projection comprises an outer peripheral surface whose diameter reduces from large to small in the direction away from the head to the neck at least and which contacts with the inner peripheral surfaces of the fitting hole (Figs. 1 and 2).

The grommet further comprises a regulator (26) disposed at a portion facing the head of the projection and extending radially inward to close the fitting hole (Figs. 1 and 2). The regulator is provided with an air vent hole (82) communicating the fitting hole with the outside (Figs. 8-10).

The grommet is made of rubber (C. 5, L. 14-20).

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-3 and 5-9 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Collier (US 1,261,770), Ito (US 3,861,812), Biesecker (US 3,164,054), Nelson (US 4,522,378), Dembowsky et al. (US 6,206,604 B1) and Contero et al. (US 2005/0175398 A1) are cited to show state of the art with respect to a grommet having some of the features being claimed by the current application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C. Rodriguez whose telephone number is (571) 272-7070. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075.

Submissions of your responses by facsimile transmission are encouraged. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6640.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

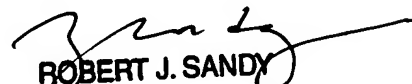
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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ruth C. Rodriguez  
Patent Examiner  
Art Unit 3677

*RCR*  
rcr  
July 24, 2006

  
ROBERT J. SANDY  
PRIMARY EXAMINER